

INITIAL STATEMENT OF REASONS

a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 42-701.2(1)(2)

Specific Purpose:

This section is being adopted to provide the definition of “learning disabilities.”

Factual Basis:

This section is necessary to define learning disabilities to ensure consistency in the treatment of CalWORKs welfare-to-work recipients with learning disabilities when implementing Welfare and Institutions Code Section 11325.25, which requires a recipient with a suspected learning or medical problem to be referred to an evaluation to determine how this condition impacts his/her ability to successfully complete or benefit from a welfare-to-work assignment. The definition was developed by a learning disabilities task force comprised of staff from various State departments, legal rights organizations, and learning disabilities advocacy groups.

Section 42-722

Specific Purpose:

This section is being adopted to provide information about learning disabilities protocols and standards in the Welfare-to-Work Program.

Factual Basis:

This section was developed after consultation with a learning disabilities task force comprised of staff from various state departments, legal rights organizations, and learning disabilities advocacy groups. This section is developed under the provisions of Welfare and Institutions Code Section 11325.25(a) that requires CalWORKs Welfare-to-Work participants with a suspected learning or medical problem be referred to an evaluation, Welfare and Institutions Code Section 11325.4 that specifies the assessment process, as added by Assembly Bill 1542 (Chapter 270, Statutes of 1997), and Welfare and Institutions Code Section 10553 that gives the Director authority to adopt regulations to effectively administer the program.

Sections 42-722.1 and .11

Specific Purpose:

These sections are being adopted to list the CalWORKs Welfare-to-Work learning disabilities screening requirements and to specify that counties must offer learning disabilities screening to new CalWORKs welfare-to-work participants at the first welfare-to-work contact or by no later than assessment.

Factual Basis:

These sections are necessary to specify when the learning disabilities screening is offered to new CalWORKs welfare-to-work participants. These sections are required to ensure consistent implementation of Welfare and Institutions Code Section 11325.25, which requires evaluations of participants with suspected learning disabilities and/or medical conditions, and were developed under the provisions of Welfare and Institutions Code Section 10553, which provides the Director with the authority to adopt regulations to effectively administer the CalWORKs program.

Section 42-722.12

Specific Purpose:

This section is being adopted to specify that when counties offer learning disabilities screening later than the first welfare-to-work contact, they must still provide a description of the screening, and the purpose and benefits of the screening, at the first welfare-to-work contact.

Factual Basis:

This section is necessary to specify that if a participant is not offered a learning disabilities screening at the first welfare-to-work contact, counties must provide detailed information regarding learning disabilities screening during the first welfare-to-work contact. The section also provides flexibility to the counties for scheduling the learning disabilities screening and ensures that participants are made aware of the screening/evaluation process, even if they are not offered the screening at the first welfare-to-work contact. This section is required to ensure consistent implementation of Welfare and Institutions Code Section 11325.25, which requires evaluations of participants with suspected learning disabilities and/or medical conditions, and is developed under the provisions of Welfare and Institutions Code Section 10553, which provide the Director with the authority to adopt regulations to effectively administer the CalWORKs program.

Section 42-722.13

Specific Purpose:

This section is being adopted to specify that counties must offer, or provide information about, the learning disabilities screening verbally and in writing.

Factual Basis:

This section is necessary to specify that counties must offer or provide information about the learning disabilities screening, both verbally and in writing, to ensure that participants are aware of the ability to be screened for learning disabilities. This section is required to ensure consistent implementation of Welfare and Institutions Code Section 11325.25, which requires evaluations of participants with suspected learning disabilities and/or medical conditions, and is developed under the provisions of Welfare and Institutions Code Section 10553, which provide the Director with the authority to adopt regulations to effectively administer the CalWORKs program.

Section 42-722.14

Specific Purpose:

This section is being adopted to specify that recipients agreeing to a learning disabilities screening must be screened before they are assigned to another welfare-to-work activity.

Factual Basis:

This section is necessary to specify that participants requesting learning disabilities screening must be screened prior to assignment to a welfare-to-work activity, so that if they are determined to have a learning disability, their needs are identified and addressed prior to the assignment. This section is required to ensure consistent implementation of Welfare and Institutions Code Section 11325.25, which requires evaluations of participants with suspected learning disabilities and/or medical conditions, and is developed under provisions of Welfare and Institutions Code Section 10553, which provide the Director with the authority to adopt regulations to effectively administer the CalWORKs program.

Section 42-722.15 et seq.

Specific Purpose:

This section is being adopted to specify that counties must offer learning disabilities screening to current CalWORKs welfare-to-work participants who were not previously offered a screening when the following events occur: (a) the county, service provider, or participant suspects that a learning disability exists; (b) an individual is in the good cause determination, compliance, or sanction process; or (c) an individual is failing to maintain satisfactory progress in his/her welfare-to-work activities.

Factual Basis:

This section is necessary to instruct counties as to when and how the learning disabilities screening is offered to current CalWORKs welfare-to-work participants. If the county has not previously offered the learning disabilities screening to a welfare-to-work participant, offering the screening when any of the three events mentioned occurs will assist counties to determine whether the individual has a learning disability at the times when the individual is exhibiting participation problems and, if necessary, provide accommodations to assist him/her to successfully participate in his/her welfare-to-work assignment. This section is required to ensure consistent implementation of Welfare and Institutions Code Section 11325.25, which requires evaluations of participants with suspected learning disabilities and/or medical conditions, and is developed under the provisions of Welfare and Institutions Code Section 10553, which provide the Director with the authority to adopt regulations to effectively administer the CalWORKs program.

Section 42-722.16 et seq.

Specific Purpose:

This section is being adopted to specify that, for limited-English proficient CalWORKs welfare-to-work participants for whom no validated screening tool exists, counties must determine whether the participants have a learning disability through discussions with, and/or observations of, the participants. The determination of whether a new or current limited-English proficient participant may have a learning disability must be made within the time frames cited in Sections 42-722.11 and .15, respectively. If the determination indicates a potential learning disability, the county must refer the participants to a learning disability evaluation in accordance with Section 42-722.5.

Factual Basis:

This section is necessary to instruct counties that they must determine if limited-English proficient participants have learning disabilities within the same time frames as that required for other CalWORKs welfare-to-work participants. This section is also necessary to provide guidance to counties on methods to make those determinations, given that no screening tools for limited-English proficient individuals are currently available. This section is required to ensure consistent implementation of Welfare and Institutions Code Section 11325.25, which requires evaluations of participants with suspected learning disabilities and/or medical conditions, and is developed under the provisions of Welfare and Institutions Code Section 10553, which provide the Director with the authority to adopt regulations to effectively administer the CalWORKs program.

Handbook Section 42-722.2 et seq.

Specific Purpose/Factual Basis:

This handbook section is being adopted to suggest ways in which the counties can put clients at ease about a learning disabilities screening and/or evaluation. This handbook section is necessary to assist counties in encouraging CalWORKs welfare-to-work participants to agree to be screened and/or evaluated for learning disabilities, so counties

can determine what, if any, accommodations are needed by the clients to successfully complete their welfare-to-work activities. This handbook section is developed under Welfare and Institutions Code Section 10553, which provides the Director with the authority to adopt regulations to effectively administer the CalWORKs program.

Sections 42-722.3 and .31 et seq.

Specific Purpose:

These sections are being adopted to instruct counties that, when CalWORKs welfare-to-work participants decline the learning disabilities screening and/or evaluation, the counties must: (1) inform the participants that their welfare-to-work activities will not include any accommodations and that a learning disabilities screening and/or evaluation may be requested at a later time; (2) review the waiver with the participants and obtain their signatures; and (3) document a refusal to sign the waiver, which is equivalent to a signed waiver in the participants' files.

Factual Basis:

These regulations are required to ensure that participants are adequately informed of the impact that declining a learning disabilities screening and/or evaluation has on their welfare-to-work activities and that, even if they decline the screening and/or evaluation, they still can request a screening or evaluation at a later date. Additionally, the regulations regarding the waiver of learning disabilities screenings and/or evaluations are necessary to document the participant's decision to decline a screening or evaluation. These regulations were developed so that counties can consistently implement Welfare and Institutions Code Section 11325.25, which requires evaluations of participants with suspected learning disabilities and/or medical conditions, under the Director's authority to implement regulations for the effective administration of the CalWORK's program pursuant to Welfare and Institutions Code Section 10553.

Section 42-722.32 et seq.

Specific Purpose:

This section is being adopted to specify that a CalWORKs welfare-to-work participant cannot be sanctioned solely on the basis of his/her refusal to be screened and/or evaluated for learning disabilities. However, if a participant declines the screening or evaluation, and subsequently refuses or fails to comply with program requirements or to make satisfactory progress in his/her assigned activity, he/she shall not have good cause on the basis of having a learning disability and shall be subject to the compliance and sanction requirements in accordance with Sections 42-721.2 and .4, respectively.

Factual Basis:

This section is necessary to ensure consistent treatment of CalWORKs welfare-to-work participants who refuse learning disabilities screenings and/or evaluations under Welfare and Institutions Code Sections 11327.4 and 11327.5, which require counties to sanction participants who fail or refuse to comply with program requirements without good cause. This section is developed under the provisions of Welfare and Institutions Code Section 10553, which provide the Director with the authority to adopt regulations to effectively administer the CalWORKs program.

Section 42-722.33 et seq.

Specific Purpose:

This section is being adopted to allow participants who decline a learning disabilities screening and/or evaluation to request a screening and/or evaluation at a later time and to require counties to schedule the screening and/or evaluation as soon as administratively possible. Counties are also being instructed to modify the welfare-to-work plan to include any appropriate accommodations needed on a prospective basis only if the evaluation identifies the existence of a learning disability.

Factual Basis:

The section is necessary to require that learning disabilities screening and/or evaluation be scheduled as soon as administratively possible for participants who earlier refused screening and/or evaluation, so that counties can quickly determine whether a participant has a learning disability and needs accommodations to ensure successful participation in assigned activities. This section is also necessary to instruct counties to modify plans for accommodations on a prospective basis only for these participants, since the participants' earlier refusal of the screening and/or evaluation resulted in counties not being able to determine and provide accommodations. This section is necessary to ensure consistent implementation of Welfare and Institutions Code Section 11325.25, which requires evaluations of participants with suspected learning disabilities or medical conditions, and are developed under the Director's authority to implement regulations for the effective administration of CalWORKs program pursuant to Welfare and Institutions Code Section 10553.

Section 42-722.4 et seq.

Specific Purpose:

This section is being adopted to inform counties that they are responsible for selecting who will administer the learning disabilities screening tool, may contract with qualified professionals who meet specified qualifications, must ensure that screeners have the training to appropriately administer the screening tool, and are required to use a recognized and validated screening tool if one exists in the participant's primary language.

Factual Basis:

This section is necessary to instruct counties that they are responsible for selecting qualified learning disabilities screeners and that the screeners must administer validated screening tools when available. This section is necessary to ensure consistent implementation of Welfare and Institutions Code Section 11325.25, which requires evaluations of participants with suspected learning disability and/or medical conditions, and are developed under Director's authority to adopt regulations for the effective administration of the CalWORKs program pursuant to Welfare and Institutions Code Section 10553.

Sections 42-722.5 and .51 et seq.

Specific Purpose:

These sections are being adopted to instruct counties that participants must be referred to a learning disabilities evaluation if they are identified as having a potential for learning disabilities based on the screening tool score, have been previously identified as having learning problems in school, or are suspected for other reasons of having a learning disability, even though results from the learning disabilities screening did not indicate a potential learning disability.

Factual Basis:

These sections are necessary to ensure the consistent implementation of the learning disabilities protocols and Welfare and Institutions Code Section 11325.25, which requires evaluations of participants with suspected learning disabilities and/or medical conditions. The regulations instruct counties on the specific circumstances under which they must refer participants to learning disabilities evaluations, and are developed under the Director's authority to implement regulations for the effective administration of the CalWORKs program pursuant to Welfare and Institutions Code Section 10553.

Section 42-722.52

Specific Purpose:

This section is being adopted to instruct counties that they must inform the welfare-to-work participant of how his/her welfare-to-work activities will be affected when he/she declines the learning disabilities evaluation. This section also cross-references Section 42-722.31, which contains the specific steps that counties must follow when the participant declines the evaluation.

Factual Basis:

This regulation is required to ensure that participants are adequately informed of the impact of the decision on their welfare-to-work plan activities when they decline the learning disabilities evaluation. This regulation is developed so that counties will consistently implement Welfare and Institutions Code Section 11325.25, which requires evaluation of participants with suspected learning disabilities and/or medical conditions, and are developed under the Director's authority to implement regulations for the effective

administration of the CalWORKs program pursuant to Welfare and Institutions Code Section 10553.

Section 42-722.53

Specific Purpose:

This section is being adopted to require counties to refer participants to a learning disabilities evaluation as soon as administratively possible.

Factual Basis:

This section is necessary to ensure that learning disabilities can be identified as soon as possible so that, if necessary, accommodations can be provided to assist individuals successful participate in their assigned activities. The section is also necessary for consistent implementation of Welfare and Institutions Code Section 11325.25, which requires evaluations of participants with suspected learning disabilities and/or medical conditions, and are developed under the Director's authority to implement regulations for the effective administration of CalWORKs program pursuant to Welfare and Institutions Code Section 10553.

Section 42-722.54

Specific Purpose:

This section is being adopted to instruct counties that participants who are identified as having a potential learning disability based on the screening that occurred prior to the assessment process, should be evaluated prior to, or concurrently with, the assessment.

Factual Basis:

This section is necessary to ensure that learning disabilities can be identified as soon as possible so that, if necessary, accommodations can be provided to assist individuals successful participate in the assigned activities. This section is also necessary consistent implementation of Welfare and Institutions Code Section 11325.25, which requires evaluations of participants with suspected learning and/or medical conditions, and are developed under the Director's authority to implement regulations for the effective administration of CalWORKs program pursuant to Welfare and Institutions Code Section 10553.

Section 42-722.55 et seq.

Specific Purpose:

This section is being adopted to inform counties that they are responsible for using qualified county staff or contracting with other qualified professionals (such as professional private/corporate contractors or qualified staff from community/state colleges or universities, community-based organizations, adult educational facilities, or the Department of Rehabilitation) who use recognized and validated learning disabilities evaluation tools to conduct tests for identifying learning disabilities and determining the appropriate accommodations for participants with learning disabilities. This section also specifies that when no recognized and validated evaluation tools exist in the participant's primary language, the disabilities evaluation professional, using bilingual and/or bicultural staff, as necessary, must determine if a learning disability exist through: 1) discussions with, and/or observations of, the participant; and/or 2) the use of other evaluation tools that may provide pertinent information. Additionally, this section specifies that when a county staff person, service provider, learning disabilities professional, or the participant suspects that the participant has a health or behavioral health problem, in addition to or instead of a learning disability, the county shall refer the participant to an appropriate licensed professional to diagnose that problem.

Factual Basis:

This section is necessary to inform counties that they must use qualified learning disabilities evaluators and that the evaluators must administer validated evaluation tools to ensure that participant needs are properly identified and addressed. This section is also necessary to require counties to provide learning disabilities evaluations to limited-English proficient participants utilizing appropriate bilingual and/or bicultural staff, as necessary, through: 1) discussions with, and/or observations of, the participant; and/or 2) the use of other evaluation tools that may provide pertinent information. Additionally, this section specifies that when a county staff person, service provider, learning disabilities professional, or the participant suspects that the participant has a health or behavioral health problem, in addition to or instead of a learning disability, the county shall refer the participant to an appropriate licensed professional to diagnose that problem. This section is necessary to ensure consistent implementation of Welfare and Institutions Code Section 11325.25, which requires evaluations of participants with suspected learning disabilities and/or medical conditions, and are developed under the Director's authority to adopt regulations for the effective administration of the CalWORKs program pursuant to Welfare and Institutions Code Section 10553.

Sections 42-722.6, .61, and .62

Specific Purpose:

These sections are being adopted to inform counties of the required and optional information that must be contained in the learning disabilities evaluation report. The core information in the evaluation report must include: relevant vocational/educational background and history; general aptitude/cognitive level; other issues, such as

physical/mental problems; and areas of strength and weakness. Optional information in the evaluation report may include: identification of local resources to assist recipients; documentation of accommodation/assistive technology needs for other purposes; discussion of participant's short/long-term employment goals; and general/specific vocational recommendations, to the extent that the evaluator is qualified to address these issues.

Factual Basis:

These sections are necessary to ensure consistent implementation of Welfare and Institutions Code Section 11325.25, which requires evaluations of participants with suspected learning disabilities and/or medical conditions, by specifying the specific information, at a minimum, which must be contained in a learning disabilities evaluation report, so that counties have adequate information with which to determine the clients' needs. These regulations were developed by professionals from various state agencies, county welfare departments, the State Legislature, legal rights organizations, and learning disability advocacy groups that have an interest in assisting individuals with learning disabilities to successfully attain educational, vocational, and employment skills. These regulations are developed under the Director's authority to implement regulations for the effective administration of the CalWORKs program pursuant to Welfare and Institutions Code Section 10553.

Sections 42-722.63 and .631 et seq.

Specific Purpose:

These sections are being adopted to require that, if the learning disabilities evaluation report establishes that the participant does not have a learning disability, the county must: inform the participant of the evaluation report findings; require the participant to begin or resume his/her welfare-to-work assignment; and inform the participant that special accommodations are not necessary and will not be provided.

Factual Basis:

These sections are necessary to ensure consistent implementation of Welfare and Institutions Code Section 11325.25, which requires evaluations of participants with suspected learning disabilities and/or medical conditions. The regulations are also necessary to ensure that the participant understands the findings of the learning disabilities evaluation, that he/she must resume or begin his/her welfare-to-work assignment, and that he/she will not receive special accommodations while participating in assigned welfare-to-work activities. These regulations are developed under the Director's authority to adopt regulations for the effective administration of the CalWORKs program pursuant to Welfare and Institutions Code Section 10553.

Section 42-722.632 et seq.

Specific Purpose:

This section is being adopted to inform the counties that if the learning disabilities evaluation report establishes that the participant does have a learning disability the county must integrate the results of the assessment and learning disabilities evaluation into the welfare-to-work plan; provide a copy of the evaluation report to, and review the learning disabilities evaluation report with, the participant; discuss appropriate welfare-to-work activities and reasonable accommodations with the participant; and develop or modify the welfare-to-work plan accordingly.

Factual Basis:

This section is necessary to ensure that participants who are verified as having a learning disability understand the results of their evaluation, the effect that their disability may have on assigned welfare-to-work activities, and appropriate accommodations that may be needed to assist the participants to successfully participate in their welfare-to-work assignments. This regulation is also necessary to require that these participants' welfare-to-work plans be modified accordingly. This section is necessary to ensure consistent implementation of Welfare and Institutions Code Section 11325.25, which requires evaluations of participants with suspected learning disabilities and/or medical conditions, under the Director's authority to adopt regulations for the effective administration of the CalWORKs program pursuant to Welfare and Institutions Code Section 10553.

Section 42-722.64 et seq.

Specific Purpose:

This section is being adopted to inform counties that a participant's medical records and learning disabilities evaluation report are to be treated as confidential documents that are shared on a "need-to-know" basis, and that they must obtain the participant's written consent prior to sharing this information with agencies outside of the county welfare department.

Factual Basis:

This regulation is necessary to specify that a county must obtain the participant's written consent when sharing his/her medical records and written learning disabilities evaluations with individuals or organizations outside of the county welfare department. This regulation is also necessary to preserve the confidentiality rights of the recipient, in accordance to the Welfare and Institutions Code Section 10850.

Section 42-722.7 et seq.

Specific Purpose:

This section is being adopted to inform counties that if the evaluation report recommends that an individual be temporarily assigned to fewer hours of participation as a reasonable accommodation, counties should first explore the option of the participant meeting the work participation requirement by participating the lesser number of hours in a primary activity, supplemented with hours in other allowable activities. Supplemental activities, such as remedial training, literacy tutoring, study time, etc., must be supportive of the participant's employment goals and consistent with the learning disabilities evaluation and the welfare-to-work plan. If this is not possible, counties may allow fewer hours of participation in welfare-to-work activities when good cause exists.

Factual Basis:

These sections are necessary to ensure consistent treatment of participants with learning disabilities under Welfare and Institutions Code Section 11325.25 that requires evaluations for learning disabilities and/or medical condition, Welfare and Institutions Code Section 11322.8 that specifies hours of participation in welfare-to-work activities, and Welfare and Institutions Code Section 11320.3(f) that identifies good cause requirements for nonparticipation. These regulations are developed under the provisions of Welfare and Institutions Code Section 10553, which provide the Director with the authority to adopt regulations to effectively administer the CalWORKs program.

Sections 42-722.8, .81 et seq. and .82 et seq.

Specific Purpose:

These sections are being adopted to instruct counties that, if the presence of a learning disability is confirmed during the good cause determination or compliance process, they must determine if the disability diminished the participant's ability to participate. This determination may include a consultation with a learning disabilities specialist, if necessary. These regulations also require that if it is determined that the learning disability diminished the participant's ability to participate, he/she shall have good cause for failure to participate and shall not be considered to have an instance of noncompliance. Additionally, the county shall review and modify the welfare-to-work plan, as necessary.

Factual Basis:

These sections are necessary to ensure consistent treatment of participants with learning disabilities under Welfare and Institutions Code Sections 11320.3(f) that specifies good cause criteria for not participating in welfare-to-work activities, Welfare and Institutions Code Section 11327.4 that defines failing to comply with program requirements without good cause, and Welfare and Institutions Code Section 11327.5 that specifies the compliance and sanction processes. These regulations are developed under the provisions of Welfare and Institutions Code Section 10553, which provide the Director with the authority to adopt regulations to effectively administer the CalWORKs program.

Sections 42-722.83 and .84 et seq.

Specific Purpose:

These sections are being adopted to instruct counties that if a learning disability is confirmed during the time a participant is attempting to stop his/her sanction, they must determine if the learning disability was a contributing factor to the participant's noncompliance. If it was, the counties are to rescind the sanction, issue any benefits to which the individual is eligible, and review and modify the welfare-to-work plan, as needed.

Factual Basis:

These sections are required to ensure consistent treatment of participants with a learning disability under Welfare and Institutions Code Sections 11320.3(f) that specifies good cause criteria for not participating in welfare-to-work activities, Welfare and Institutions Code Section 11327.4 that defines failing to comply with program requirements without good cause, and Welfare and Institutions Code Section 11327.5 that specifies the compliance and sanction processes. These regulations are developed under the provisions of Welfare and Institutions Code Section 10553, which provide the Director the authority to adopt regulations to effectively administer the CalWORKs program.

Sections 42-722.9 and .91 et seq.

Specific Purpose:

These sections are being adopted to instruct counties to retrospectively adjust the 18- and 24-month time clock for participants who have a verified learning disability, and either were not screened and evaluated prior to signing the welfare-to-work plan; or were screened and evaluated and found to have a learning disability, and signed a welfare-to-work plan and was not provided appropriate accommodations when they participated in the welfare-to-work activities; and they did not make satisfactory progress in their welfare-to-work assignments.

Factual Basis:

These regulations are necessary to ensure consistent treatment of welfare-to-work participants with learning disabilities in the implementation of Welfare and Institutions Code Section 11454(a), which specifies the time limit for participation in welfare-to-work activities. The regulations are necessary to provide guidance to the counties on providing back welfare-to-work participation time on the 18- or 24-month time clock in situations when the participant did not receive a learning disabilities screening and/or evaluation and necessary accommodations for a verified learning disability, and he/she did not make satisfactory progress in his/her previous assignments. These sections are developed under the provisions of Welfare and Institutions Code Section 10553, which provide the Director the authority to adopt regulations to effectively administer the CalWORKs program.

Section 47-722.92 et seq.

Specific Purpose:

These sections are being adopted to instruct counties to retrospectively adjust a qualifying participant's 18- and 24-month time limit by: crediting one full month to the 18- and 24-month time clock for every partial or full month that the individual participated in a welfare-to-work activity without appropriate accommodations and amending the welfare-to-work plan to include the appropriate activities and/or accommodations. These sections also require the county to inform the participant, in writing, about the number of months credited back to his/her 18- and 24 month time clock and the reason for the adjustment.

Factual Basis:

These regulations are necessary to ensure consistent treatment of welfare-to-work participants with learning disabilities in the implementation of Welfare and Institutions Code Section 11454(a), which specifies the time limit for participation in welfare-to-work activities. The regulations specify how time is to be credited back when participants were not screened, evaluated and/or did not receive the appropriate accommodations. Additionally, these regulations require counties to notify learning disabled participants of the number of months credited back and the number of months remaining on their welfare-to-work clocks, and for counties to amend these participants' welfare-to-work plans as appropriate. These sections are developed under the provisions of Welfare and Institutions Code Section 10553, which provide the Director the authority to adopt regulations to effectively administer the CalWORKs program.

Section 42-722.93

Specific Purpose:

This section is being adopted to instruct counties that participants who refuse to be screened, evaluated, or accommodated for a learning disability are not eligible on the basis of a learning disability for an adjustment of their 18- or 24-month time clock.

Factual Basis:

This section is necessary for the consistent implementation of Welfare and Institutions Code Section 11325.25 that requires recipients with suspected learning or medical problems to be referred to an evaluation and Welfare and Institutions Code Section 11454(a) that specifies the time limit for participation in welfare-to-work activities. The regulation is necessary to clarify that counties are under no obligation to adjust the 18- and 24-month time clock for individuals who refuse to take advantage of learning disabilities screening, evaluations, or accommodations. This section is developed under the Director's authority to implement regulations for the effective administration of the CalWORKs program pursuant to Welfare and Institutions Code Section 10553.

Handbook Section 42-722.94

Specific Purpose/Factual Basis:

This handbook section is being adopted to instruct counties that existing CalWORKs policies governing the 60-month time limit are unaffected by the retrospective adjustment of the 18- or 24-month time clock. This handbook section is developed to be consistent with Welfare and Institutions Code Section 11454(b), which limits the receipt of aid to a 60-month time period.

Section 42-722.95 et seq.

Specific Purpose:

This section is being adopted to specify that when a learning-disabled welfare-to-work participant moves from one county to another, the first county must obtain the participant's written permission to forward a copy of his/her learning disabilities evaluation report to the second county, so that the second county can properly develop a new, or amend the previous welfare-to-work plan for the participant, as required. This section also specifies that the participant shall not have good cause for failure to participate in the second county based on the second county's failure to provide services and accommodations that are identified in the learning disabilities evaluation report as being necessary for the participant, when the participant refuses permission for the first county to forward the report.

Factual Basis:

This section is necessary to ensure consistent implementation of Welfare and Institutions Code Section 11325.25, which requires evaluations of participants with suspected learning disabilities and/or medical conditions. The regulations require that a participant's confidentiality regarding his/her learning disability is maintained and allows counties to access learning disabilities information, only with the participant's written permission, so that they can provide appropriate welfare-to-work services and accommodations to the participant after he/she moves to another county. This section also requires that the participant shall not have good cause for failure to participate in the second county, based on the second county's failure to provide services and accommodations that are identified in the learning disabilities evaluation report as being necessary for the participant, when the participant refuses permission for the first county to forward the report. These regulations are developed under the provisions of Welfare and Institutions Code Section 10553, which provide the Director with the authority to adopt regulations to effectively administer the CalWORKs program.

b) Identification of Documents Upon Which Department Is Relying

Assembly Bill 1542 (Chapter 270, Statutes of 1997)

c) Local Mandate Statement

These regulations do impose a mandate upon local agencies but not upon school districts. The mandate is not required to be reimbursed pursuant to part 7 (commencing with Section

17500) of Division 4 of the California Constitution because implementation of the regulations will result in no costs or savings.

d) Statement of Alternatives Considered

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

e) Statement of Significant Adverse Economic Impact On Business

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.